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DATE MAILED: 07/29/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,061	01/10/2000	ART MALIN	769-197CIP-D	3852
7	590 07/29/2003			
GERALD LEVY PITNEY, HARDIN, KIPP & SXUCH LLP 685 THIRD AVENUE			EXAMINER	
			MEREK, JOSEPH C	
NEW YORK, NY 10017			ART UNIT	PAPER NUMBER
			3727	28

Please find below and/or attached an Office communication concerning this application or proceeding.

9-90C (Rev. 07-01)

1) Responsive to communication(s) filed on 11 May 2003.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 14 and 16 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 14.16 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	•:			Application No.	Applicant(s)			
Joseph C. Merek   3727				09/480,061	MALIN ET AL.			
— The MAILING DATE of this communication appears on the cover she it with the correspondence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentions of time may be a scaleble under the provisions of 3 CER 1.13(a). In no evert, however, may a reply be timely filed of the state of the communication.  Edentions of time may be a scaleble under the provisions of 3 CER 1.13(a). In no evert, however, may a reply to timely filed of the state of the		Offic	Action Summary	Examiner	Art Unit			
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THE MAILING DATE OF THIS COMMUNICATION.  Editations of time may be variable under the provision of 3 CPR 1.15(e). In an overt, however, may a risply be timely filed above SX (5) MONTRS from the mailing date of this communication.  It NO period for may be a variable under the provision of 3 CPR 1.15(e).  If NO period for risply sixple time and above, the maximum stateour priorish ungayed and it leaves (5) (8) MONTRS from the mailing date of this communication.  Fallue to reply which is he as or extended pariod for reply will. by statute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any rapy received by the Office after than three montains after the mailing date of this communication, even if timely filed, may reduce any statute and the statute of the communication of this communication.  Any rapy received by the Office date than three montains after the mailing date of this communication, even if timely filed, may reduce any statute.  Status  1) Responsive to communication(s) filed on 11 May 2003.  2a) This action is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2b) This action is control to the provious action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 14 and 16 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 14 16 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 14 16 is/are allowed.  8) Claim(s) 14 16 is/are rejected to.  8) Claim(s) 14 16 is/are allowed.  10) The drawing(s) filed on is/are: a) secepted or b) betted to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) secepted or b) betted to by the Examiner.  10) The drawing(s) filed on is/are: a) secepted or b) betted to by the Examiner.  11 approved, corrected drawings are required in reply to this Office action.  12 The coath or declara								
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### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/03 has been entered.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 14, it has not been adequately disclosed that the sealed edges are perpendicular to the zipper. The disclosure does support the perpendicular relationship. The fact that one of ordinary skill in the art would make the seals perpendicular to the zipper does not provide support for the claim. This is a new matter rejection. The remaining claim is included since they stem from rejected claims.

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## Claim R jections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al (5,660,479) in view of Uramoto (RE 33.674). Regarding claim 14, May et al teaches the claimed structure but does not teach the sealed edges or the lap or fin seal being perpendicular to the zipper. Uramoto as seen in Figs. 2-5, teaches a similar bag with a zipper with sealed edges where the seals are a lap seal and are perpendicular to the zipper. It would have been obvious to employ the perpendicular side seals of Uramoto in the bag of May et al to provide a way to close the ends of the bag.

### Response to Arguments

Applicant's arguments with respect to claims 14 and 16 have been considered but are most in view of the new ground(s) of rejection.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

løseph C. Merek Hatent examiner

July 25, 2003